





File Code: 2210/2230

Date: May 28, 2015

Clay A. Jones
HC 82, Box 4019
Challis, ID 83226

Dear Forney Allotment Permittees,

The following letter will document your meeting with Ingrid Drieling, Kaden Piva and Diane Schuldt on April 9th, 2015 and will serve as your Annual Operating Instructions (AOI) on the Forney C&H Allotment for the 2015 grazing season. The authorized use for Forney C&H Allotment for cattle with the  and  brands will be as follows:



Permitted Use

<u>Allotment</u>	<u>Permittee</u>	<u>Number/Class</u>	<u>H.M.</u>	<u>Dates</u>
Forney C&H	Clay A. Jones	134 c/c	670	6/1-10/30
	Piva Pack Operations	132 c/c	660	6/1-10/30

Authorized Use for the 2015 Grazing season

<u>Allotment</u>	<u>Permittee</u>	<u>Number/Class</u>	<u>H.M.</u>	<u>Dates</u>
Forney C&H	Clay A. Jones	134 c/c	670	6/1-10/30
	Piva Pack Operations	132 c/c	660	6/1-10/30

<u>Allotment</u>	<u>Pasture</u>	<u>Number/Class</u>	<u>H.M.</u>	<u>Dates</u>
Forney C&H	Westside	266 c/c	271	6/01-7/01
	Moyer/Eastside	266 c/c	542	7/02-9/01
	Westside	266 c/c	122	9/02-9/15
	Eastside	266 c/c	394	9/16-10/30
	Holding Pasture	-	N/A	Rest
	Riparian Pasture	-	N/A	Incidental Use

Only cattle with the  and  brands are authorized to graze on the Forney C&H allotment. The Annual Operating Instructions are made part of your Term Grazing Permit as per Part 2, item 8(a) of the General Provisions and Regulations.

Situations may develop during the grazing season which require changes to these instructions. Dates listed in the authorized use section may vary based on management needs or range readiness and proper use standards. **If changing unit move dates becomes necessary, or if you cannot comply with some part of these instructions, contact Tina Ruffing, the rangeland management specialist assigned to your allotment, and obtain approval before initiating changes or deviating from these instructions.** Changes can be made based on resource

objectives, provided the changes are first approved and documented by an authorized officer. Any extension of use beyond the permitted dates will not be authorized.

Allowable Use

The allowable use standards for the Forney C&H allotment are listed below. It is your responsibility to be aware and recognize utilization and alteration standards. You must move your livestock to the next unit planned, or off the allotment, when those standards have been met. If you need assistance determining utilization levels please contact Tina Ruffing and she will assist you. **Once cattle are removed from a unit in accordance with use standards and unit scheduling, they are not allowed to return. Please ensure you clean all livestock from your units.** The Forest Service is responsible for monitoring your compliance with allowable use standards. Monitoring typically occurs within two weeks of your unit move date. Please contact Tina if you would like to accompany range personnel when monitoring is done on your allotment.

Forney C&H Allowable Use

Key Area Locations	Unit Creek	Monitoring Attribute	Annual Use Indicator	Key Species	Trigger
MIM M213RE	Moyer Unit – Moyer Creek	Browse Use	50%	Willow	45%
		Greenline Stubble	4 in.	<i>Hydric spp.</i>	5 in.
		Bank Alteration	<15% before July 14 th After July 14 th 15%	N/A	
MIM M213	Moyer Unit – Moyer Creek	Browse Use	50%	Willow	45%
		Greenline Stubble	4 in.	<i>Hydric spp.</i>	5 in.
		Bank Alteration	<15% before July 14 th After July 14 th 20%	N/A	15%
MIM M217 (Not Grazed)	Riparian Pasture Panther Creek	Browse Use	N/A	N/A	N/A
		Greenline Stubble	N/A	N/A	N/A
		Bank Alteration	N/A	N/A	N/A
MIM M231	Westside Unit 4 th of July	Browse Use	50%	Willow	45%
		Greenline Stubble	4 in.	<i>Hydric spp.</i>	5 in.
		Bank Alteration			
MIM M221	Westside Unit Porphyry Creek	Browse Use	50%	Willow	45%
		Greenline Stubble	4 in.	<i>Hydric spp.</i>	5 in.
		Bank Alteration	10%	N/A	5%
	Holding Pasture Panther Creek	Browse Use	50%	Willow	45%
		Greenline Stubble	6 in.	<i>Hydric spp.</i>	5 in.
		Bank Alteration	<15% before July 14 th After July 14 th 20%	Upland grass species	45%
Uplands		Utilization by Key species	50%	Upland grass species	45%

Biological Assessment and Opinion Requirements

The Biological Assessment for the Forney C&H Allotment laid out the following measures to be implemented to reduce potential impacts to ESA listed fish. The measures are as follows:

1. A deferred-rest rotation grazing system will continue to be used to provide benefits to riparian vegetation and help meet long-term riparian resource objectives for greenline successional status.
2. The on-date will be varied so that livestock will be placed on the Allotment at range readiness to reduce potential for streambank alteration and help meet long-term riparian resource objectives for streambank stability.
3. Permittees will continue to salt at least one-fourth mile away from creeks to help to reduce potential impacts on spawning areas and designated critical habitat.
4. Permittees will continue to distribute livestock away from streams and associated riparian areas to help reduce potential impacts on spawning areas and designated critical habitat. Fences, water developments, and riding will be used in concert to reduce livestock use on streams and their associated riparian areas.
5. If 2014 MIM monitoring conditions indicate a need for adjustment of indicators or triggers as identified in Section 3.2.6, those changes will be implemented immediately during the grazing season, with a revision of the Annual Operating Instructions.

USFWS BIOLOGICAL OPINION

The USFWS Biological Opinion for the Forney C&H Allotment identified Terms and Conditions to meet Reasonable and Prudent Measures (pg. 30-3 1 USFWS 20 12). The following are the Reasonable and Prudent Measures and subsequent Terms and Conditions. Should you have any questions regarding these measures please contact Tina Ruffing for further explanation.

Reasonable and Prudent Measures

Reasonable and Prudent Measures are necessary and appropriate to minimize impacts of incidental take of bull trout.

1. The Forest shall report on the number or extent of bull trout redds trampled by livestock on the Allotment.

D. Terms and Conditions

Term and Condition 1 for Reasonable and Prudent Measure 1.

The Forest shall conduct monitoring and reporting of incidental take as follows. By March 1 of each year for the term of the proposed action, the Forest shall submit a completed form (see Appendix C) summarizing grazing results for the previous grazing year and the results of redd surveys for that year to the Field Supervisor of the Service's Eastern Idaho Field Office in Chubbuck, Idaho. The Forest shall survey a representative stream reach in the allotment that is grazed for longer than a week after August 15 to document any impacted bull trout redds. The following survey protocol shall be followed:

- The Forest shall use a trained observer(s) to conduct a focused survey of a 1,000-meter segment in at least one bull trout stream in the Allotment. That survey stream should be the stream with the highest likelihood of having bull trout redds or one that is known to have had such redds in the past. The surveyed segment should include the best spawning habitat in the stream.
- The surveys shall be conducted when the likelihood of observing bull trout redds present in the stream that have been impacted by livestock is the greatest.

- The Forest shall record the location of the survey area, and the number of bull trout redds encountered, an estimate of the linear distance of suitable spawning habitat in the survey segment, and the number of redds impacted by grazing activities.

Changes to the above protocol can be made, as appropriate, in coordination with and the approval of the Service."

NMFS BIOLOGICAL OPINION

The NMFS Biological Opinion for the Forney C&H Allotment identified Terms and Conditions to meet Reasonable and Prudent Measures (RPM) (pg. 53-58 NMFS 2012). The following are the Reasonable and Prudent Measures and subsequent Terms and Conditions. Should you have any questions regarding these please contact Tina for further explanation.

"The RPMs are nondiscretionary measures, to avoid or minimize the impact of take, that must be carried out by cooperators for the exemption in section 7(o)(2) to apply. The SCNF has the continuing duty to regulate the activities covered in this incidental take statement where discretionary Federal involvement or control over the action has been retained or is authorized by law. The protective coverage of section 7(o)(2) will lapse if the SCNF fails to exercise its discretion to require adherence to terms and conditions of the incidental take statement, or to exercise that discretion as necessary to retain the oversight to ensure compliance with these terms and conditions. Similarly, if any applicant fails to act in accordance with the terms and conditions of the incidental take statement, protective coverage will lapse.

NMFS believes that full application of conservation measures included as part of the proposed action, together with use of the RPMs and terms and conditions described below, are necessary and appropriate to minimize the impact of incidental take of listed species due to completion of the proposed action.

The SCNF shall:

1. Minimize the potential for incidental take resulting from trampling of Snake River Basin steelhead redds.
2. Minimize the potential for incidental take resulting from trampling of Snake River spring/summer Chinook salmon redds.
3. Ensure completion of a monitoring and reporting program to confirm that the terms and conditions in this ITS are effective in avoiding and minimizing incidental take from permitted activities and ensure incidental take is not exceeded.

2.8.4. Terms and Conditions

1. To implement RPM # 1, the SCNF shall ensure that:
 - a. The proposed action, including all described conservation measures, monitoring, and adaptive management processes, is implemented as described in the BA and proposed action section of this Opinion.
 - b. The extent of incidental take is not exceeded by ensuring streambank alteration levels along streams where Snake River Basin steelhead redd trampling is expected to occur (West Side Panther and East Side Panther Units), does not exceed the following levels at any time during the identified Snake River Basin steelhead incubation period for the action area (March 15 to July 14):

- i. 10% in Units where streambank stability conditions are less than 75% of the identified RMO for that Unit;
 - ii. 15% in Units where bank stability conditions are 75% to 99% of the identified RMO for that Unit;
 - iii. 20% in Units where the bank stability RMO is being met.
 - c. Each Unit with potential Snake River Basin steelhead redd trampling contains at least one DMA, that is also located in an area where the risk of cattle trampling of redds exists.
 - i. Definitions for DMA shall be the same as described in the SCNF's March 10, 2010, BA.
 - ii. Appropriately trained SCNF or contract staff will monitor streambank alteration levels, using the same protocols identified in the proposed action, at each Unit's DMA. The monitoring shall occur within 2 weeks of moving cattle off each Unit.
 - d. To further reduce redd trampling potential, especially along Moyer Creek within the East Side Panther Unit, the SCNF shall implement one or more of the following:
 - i. Immediately trigger the proposed adaptive management process (Appendix A) if streambank alteration at the end of the Snake River Basin steelhead incubation period (July 14) is: (1) > 5% when bank stability is less than 75% of the RMO; (2) >10% when bank stability is 75% to 99% of the RMO; or (3) >15% when the bank stability RMO is being met.
 - (1.) Once, triggered, the adaptive management strategy shall be used to further reduce the potential for cattle/steelhead redd interactions, including but not limited to adjusting in-season move-triggers, season of use, cattle numbers, and/or implementation of additional minimization/avoidance measures.
 - ii. Construct additional enclosures and/or annually install temporary electric fencing along steelhead spawning habitat along Moyer Creek in the East Side Panther Unit.
 - iii. Delay turnout of livestock into East Side Panther Unit until after July 14 to avoid the steel head incubation period in Moyer Creek.
 - e. The Allotment permittee or their employees receive training to appropriately implement the move triggers identified in the proposed action.
 - f. Annual meetings are conducted with the permittee to discuss specific actions necessary to protect vulnerable spawning areas in stream reaches with the most potential for cattle interaction with Snake River Basin steelhead spawning fish and/or redds (i.e., Moyer Creek).
 - g. Frequent (twice per week) riding is implemented whenever cattle are grazing along Moyer Creek during the Snake River Basin steelhead incubation period (March 15 to July 14). Intent of riding will be to reduce cattle use with in and adjacent to potential Snake River Basin steelhead spawning habitats along this reach.
 - h. Riders take all practicable measures to keep cattle on established crossings during trailing operations between Units and on/off the Allotment.
 - i. All enclosures, drift fences, and water developments that reduce cattle use adjacent to streams with ESA-listed fish species are properly maintained and functioning as intended.
 - j. Turnout dates, move triggers, and annual use indicators, as well as responsible parties, are outlined in the AOI to the permittee.
2. To implement RPM #2, the SCNF shall ensure that:
- a. Complete proposed permanent fencing along the Riparian and Holding Pastures where the majority of Chinook spawning occurs within the Allotment boundaries no later than July

31, 2013. If unforeseen delays occur during the NEPA process the SCNF will notify NMFS and will continue to employ the use of temporary fences along the Riparian and Holding Pastures until permanent fences are complete.

- b. Inspect fences around redds in the Holding Pasture every third day until livestock are removed from the Holding Pasture and until permanent fencing is installed to exclude livestock from this stream reach. Remove temporary fencing from around redds once livestock have been removed from the Holding Pasture.
- c. The amount of incidental take is not exceeded by conducting salmon redd surveys to ensure trampling does not exceed one redd in Year 1 along Moyer Creek, or one redd in Year 2 of the grazing rotation (one in Moyer or one in Musgrove Creek), or at any time when grazing occurs during the identified Chinook salmon spawning and incubation period for the action area (i.e., any grazing from August 21 to April 30 of the following year).
- d. Redd trampling along any other stream reaches (i.e. Fourth of July Creek and Cabin Creek drainages) within the Allotment has not been identified or analyzed as part of the proposed action and if documented would be a trigger for reinitiation.
- e. Redd surveys shall be conducted once per week along the 0.25 mile reaches of suitable spawning habitat in Moyer, Musgrove, and Porphyry Creeks (0.13 miles) when these areas are grazed after August 21 , and ending after cattle have been removed from each Unit. These surveys will be used to verify redd densities used to estimate take in this Opinion are valid and the SCNF has not exceeded authorized take levels.
- f. To further reduce redd trampling potential within mainstream Moyer and Musgrove Creeks, the Chinook salmon redds found during redd surveys shall be flagged, and temporary electric fencing shall be used to protect redds where cattle appear to have access to stream segments including those redds. The fencing shall be maintained on the Unit until cattle are removed from the Unit at the end of the grazing season.
- g. The Allotment permittee or their employees receive training to appropriately implement the move triggers identified in the proposed action.
- h. Annual meetings are conducted with the permittee to discuss specific actions necessary to protect vulnerable spawning areas in stream reaches with the potential for cattle interaction with Snake River Basin Chinook salmon spawning fish and/or redd (Moyer, Musgrove, and Porphyry Creeks).
- i. Frequent (twice per week) riding is conducted, whenever cattle are grazing along Musgrove, Moyer, and Porphyry Creeks during the Chinook salmon spawning and incubation period (August 21 through April 30 of the following year). Intent of riding will be to reduce cattle use within and adjacent to potential Snake River Chinook spawning habitats in these stream reaches.
- j. Riders take all practicable measures to keep cattle on established ford crossings during trailing operations between Units and on/off the Allotment.
- k. All exclosures, drift fences, and water developments that reduce cattle use adjacent to streams with ESA-listed fish species are properly maintained and functioning as intended.
- l. Turnout dates, move triggers, and annual use indicators, as well as responsible parties, are outlined in the AOI to the permittee.

3. To implement RPM #3 (monitoring and reporting), the SCNF shall ensure that:

- a. The DMA or MIM on each Allotment Unit annually authorized for use is annually monitored to determine compliance with all identified annual use indicators identified in the proposed action. The report shall also identify any modifications management strategy.
- b. An end-of-year report is available to NMFS by March 1 of each year. The following shall be included in the report:

- i. Overview of proposed action and actual management (livestock numbers, on-off dates for each Unit, etc.).
 - ii. Date and location of any specific SCNF implementation monitoring data collected, including monitoring required under term and conditions 1 and 2 above.
 - iii. Results from all implementation and effectiveness monitoring identified as part of the proposed action and this Opinion, including required annual use indicator monitoring (e.g., stubble height, riparian shrub utilization, streambank alteration), photo point monitoring, seral condition, streambank stability, water temperature, sediment, and W:D.
 - iv. Discussion of any unauthorized use and/or any maintenance issues related to fences or water developments.
 - v. Brief review of Allotment management and compliance successes and failures.
 - vi. Any relevant information that becomes available regarding Snake River Basin steelhead or spring/summer Chinook salmon habitat trends and/or spawning locations that would modify the assumptions made in this Opinion or result in effects not considered.
 - vii. A clear description of compliance with the terms and conditions contained in this ITS.
 - viii. Any management recommendations for subsequent years.
- c. Submit post-project report to:
- Idaho State Director
Habitat Conservation Division
National Marine Fisheries Service
Attn: 2012/02643
10095 W Emerald St.
Boise, ID 83704
- d. NOTICE: If a sick, injured or dead specimen of a threatened or endangered species is found in the project area, the finder must notify NMFS through the contact person identified in the transmittal letter for this Opinion, or through Idaho State Habitat Office action may worsen the fish's condition before NMFS can be contacted, the finder should attempt to move the fish to a suitable location near the capture site while keeping the fish in the water and reducing its stress as much as possible. Do not disturb the fish after it information: (1) NMFS consultation number; (2) the date, time, and location of discovery; (3) a brief description of circumstances and any information that may show the cause of death; and (4) photographs of the fish and where it was found. NMFS also suggests that the finder coordinate with local biologists to recover any tags or other relevant research information. If the specimen is not needed by local biologists for tag recovery or by NMFS for analysis, the specimen should be returned to the water in which it was found, or otherwise discarded."

Range Improvements

Range improvements listed in Part 3 of your grazing permit **must** be maintained prior to livestock entering the allotment. Contact your Rangeland Management Specialist to discuss materials and supplies for any improvements that are in need of re-construction.

You were provided with an improvement list and map to document the condition of the Range Improvements on your allotment. Please complete the document and return it to your Rangeland Management Specialist.

The following improvements for the Forney C&H Allotment were discussed in the meeting:

- Moyer slope trough – This Powder River trough needs to have a platform built or gravel hauled in to level it and keep it level.
- Upper Trelor trough – This trough needs to be replaced; screws, etc have been used to patch holes, but it is at the point of replacement; will consider moving troughs from other locations (Challis side).
- You discussed that a trap has been created by the cattleguard at the holding field; we discussed working together to resolve the issue.
- You discussed that the Westside pasture is a real pain to gather cows out of when it is used late. The cows get into Yellowjacket country; a questions was raised on whether or not a system could be developed that would allow use in Westside early.
- Bruce Smith may have a location at the Forney town site (private property) to wean and ship from; further coordination is needed to confirm that the location is available.

General Management

The grazing fees for 2015 are the base rate of \$1.69 per head month. Payment of your grazing bill is due prior to your earliest turnout date.

The Salmon-Challis Travel Management Record of Decision was signed December 24, 2009. With the issuance of this decision, all roads and trails authorized for motorized use are designated on a motor vehicle use map (MVUM). Motor vehicle use maps may be obtained at any Salmon-Challis Ranger District office. As detailed in 36 CFR 261.13; 36 CFR 212.51a the prohibitions on motor vehicle use will not apply to motor vehicle use that is specifically authorized under a written authorization issued under Federal law or regulation. **Effective March 20th, 2015 the Salmon Challis National Forest requires a Vehicle Use Permit, signed by the District Ranger, for ALL closed roads or off road travel. This must be displayed in windshield for Trucks or carried on ATV's, UTV's and Motorcycles. Contact your Rangeland Management Specialist to obtain a Vehicle Use Permit for any closed road or off-road travel.**

Approval of requests for personal convenience and resource protection nonuse is not automatic and the authorized officer should discuss the reasons for the nonuse request with the permittee. Requests for non-use must be done in writing and the approval of a request for non-use must be in writing by the authorized officer. Full or partial permittee convenience nonuse may be approved by the authorized officer for no more than three consecutive years and not more than four years in any ten year period.

Dead livestock must be moved at least 100 yards from water, roads, and trails.

Place salt at least ¼ mile from water sources and in areas lightly grazed to encourage an even distribution of utilization on the range.

Invasive weeds are becoming a serious threat to the welfare of our rangelands. Your assistance is needed to identify new outbreaks of weed populations and to prevent the establishment of weeds on the forest. We have implemented a Noxious Weed Free Hay order on our Forest. This will require any hay that is brought onto the National Forest to be certified free from noxious weeds.

If you spot a wild fire, report it immediately to the Central Idaho Interagency Dispatch Center in Salmon, ID at (208) 756-5157.

If you have any questions regarding any of the allotments for which you have permits, please call Tina Ruffing at (208) 768-5226 or myself at (208) 756-5247.

Sincerely,

/s/ Jay T. Winfield

JAY T. WINFIELD
District Ranger

Cc: Piva Pack Operations

Encl: Improvement Maintenance and Actual Use Records